

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no:

Date filed:

Utah Admin.

Code ref. (R no.): R307-801

Time filed:

1. Agency: Environmental Quality/Air Quality

Room no.:

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(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. **Title of rule or section (catchline):**

Asbestos

3. **A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:**

19-2-104(1)(d) states that the Air Quality Board may make rules to implement Subchapter II, Asbestos Hazard Emergency Response (AHERA), of the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), and to review and approve asbestos management plans submitted by local education agencies. 19-2-104(3)(r)-(s) allow the Board to establish work practice, certification, and clearance air sampling requirements for persons who (i) contract to conduct demolition, renovation, salvage, encapsulation work involving friable asbestos-containing materials, or asbestos inspections; or (ii) conduct such work in areas to which the public has access or in school buildings subject to AHERA; and to establish certification requirements for inspectors, management planners, abatement project designers, contractors, or workers under AHERA. R307-801 establishes procedures and requirements for asbestos projects and training programs, for certification of persons engaged in asbestos activities, and work practice standards for such work.

4.

A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule: No

written comments were received outside the comment period when R307-801 was amended. The rule was amended once since its last review, DAR# 28501 published in the March 1, 2006, edition of the Utah State Bulletin. COMMENT: In my mineral course in college I learned that there are three types of asbestos--blue, brown, and white--and that blue and brown have been proven to cause cancer. However, my textbook said that white asbestos fibers do not lodge in the lungs and do not seem to affect health

significantly. Since white asbestos is the type used in most buildings, it seems a terrible waste of time and money to put in extra regulations for a substance that is not particularly dangerous for the general public. **RESPONSE:** The amendment does not require any additional notification to the Division of Air Quality; it allows contractors to notify the Division of their projects electronically if they wish to do so. The rule does not require removal of asbestos from buildings, but sets safety requirements that must be followed if asbestos is removed. The commenter is incorrect in saying that the asbestos generally used in buildings does not affect public health. All three types of asbestos (Amosite (brown), Crocidolite (blue) and Chrysotile (white)) are found in Utah buildings and all are known to cause cancer. There is no regulatory difference found in current federal and state rules among the three types of asbestos.

5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:

Without R307-801, Utah would not have authority to implement the federal requirements: implementation would be carried out by the U.S. Environmental Protection Agency. The specific authorizations in 19-2-104(1)(d) and 19-2-104(3) (r) and (s) clearly indicate that the Legislature prefers that the Division of Air Quality implement the program.

6. Indexing information - keywords (maximum of four, in lower case):

air pollution, asbestos, asbestos hazard emergency response, schools

7. Attach an RTF document containing the text of this rule change (filename):

There is currently a document associated with this filing.

[Rule Text](#)

To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

AGENCY AUTHORIZATION

| | | | |
|--|---|------------------------------|----------|
| Agency head or designee, and title: | M. Cheryl Heying Planning Branch Manager | Date (mm/dd/yyyy): | 6/1/2006 |
|--|---|------------------------------|----------|

Non Printable

m. Cheryl Heying 5-25-06

R307. Environmental Quality, Air Quality.

R307-801. Asbestos.

R307-801-1. Purpose and Authority.

Rule R307-801 establishes procedures and requirements for asbestos projects and training programs, procedures and requirements for the certification of persons engaged in asbestos activities, and work practice standards for performing such activities. This rule is promulgated under the authority of 19-2-104(1)(d), (3)(r), (3)(s), (3)(t). Penalties are authorized by 19-2-115.

R307-801-2. Applicability and General Provisions.

(1) Applicability.

(a) The following persons are operators and are subject to the requirements of R307-801:

(i) Persons who contract for hire to conduct renovation of structures or facilities, or to conduct demolition of structures or facilities, except for residential outbuilding structures of less than 100 square feet;

(ii) Persons who conduct renovation or demolition in areas to which the general public has unrestrained access; or

(iii) Persons who conduct renovation or demolition in school buildings subject to AHERA or who conduct asbestos inspections in structures subject to TSCA Title II.

(b) The following persons are subject to certification requirements:

(i) Persons required by TSCA Title II to be accredited as inspectors, management planners, project designers, supervisors, or workers;

(ii) Persons who work on an asbestos project as workers, supervisors, inspectors, project designers, or management planners; and

(iii) Companies that conduct asbestos projects or inspections, create project designs, or prepare management plans in structures or facilities.

(2) All persons who are required by R307-801 to obtain an approval, certification, determination or notification from the executive secretary must obtain it in writing.

(3) Persons wishing to deviate from the certification, notification, work practice, or other requirements of R307-801 may do so only after requesting and obtaining the written approval of the executive secretary.

R307-801-3. Definitions.

The following definitions apply to R307-801:

"Adequately Wet" means sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions

is not sufficient evidence of being adequately wet.

"Amended Water" means a mixture of water and a chemical wetting agent that provides control of asbestos fiber release.

"AHERA" means the federal Asbestos Hazard Emergency Response Act of 1986 and the Environmental Protection Agency implementing regulations, 40 CFR Part 763, Subpart E - Asbestos-Containing Materials in Schools.

"Asbestos" means the asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite (amosite), anthophyllite, and actinolite-tremolite.

"Asbestos Containing Material (ACM)" means any material containing more than one percent (1%) asbestos by the method specified in Appendix A, Subpart F, 40 CFR Part 763 Section 1, Polarized Light Microscopy (PLM), or, if the asbestos content is less than 10%, the asbestos concentration must be determined by point counting using PLM procedure.

"Asbestos Inspection" means any activity undertaken to determine the presence or location, or to assess the condition, of asbestos-containing material or suspected asbestos-containing material, whether by visual or physical examination, or by taking samples of the material. This term includes re-inspections of the type described in AHERA, 40 CFR 763.85(b), of known or assumed asbestos-containing material which has been previously identified. The term does not include the following:

(a) Periodic surveillance of the type described in AHERA, 40 CFR 763.92(b), solely for the purpose of recording or reporting a change in the condition of known or assumed asbestos-containing material;

(b) Inspections performed by employees or agents of federal, state, or local government solely for the purpose of determining compliance with applicable statutes or regulations; or

(c) Visual inspections of the type described in AHERA, 40 CFR 763.90(i), solely for the purpose of determining completion of response actions.

"Asbestos Project" means any activity involving the removal, renovation, repair, demolition, salvage, disposal, cleanup, or other disturbance of regulated asbestos-containing material greater than small scale short duration.

"Asbestos Removal" means the stripping of friable asbestos-containing material from surfaces or components of a structure or taking out structural components that contain or are covered with friable ACM from a structure.

"Asbestos Survey Report" means a written report as specified in R307-801-10(6) describing an asbestos inspection performed by a certified asbestos inspector.

"Asbestos Waste" means any waste that contains asbestos. This term includes filters from control devices, friable asbestos-containing waste material, and bags or other

similar packaging contaminated with asbestos. As applied to demolition and renovations, this term includes materials contaminated with asbestos including disposable equipment and clothing.

"Containerized" means sealed in a leak-tight and durable container.

"Debris" means asbestos-containing material that has been dislodged and has fallen from its original substrate and position or which has fallen while remaining attached to substrate sections or fragments, and is friable or regulated in its current condition.

"Demolition" means the wrecking, salvage, or removal of any load-supporting structural member of a structure together with any related handling operations, or the intentional burning of any structure. This includes the moving of an entire building.

"Disturb" means to disrupt the matrix of ACM or regulated asbestos-containing material, crumble or pulverize ACM or regulated asbestos-containing material, or generate visible debris from ACM or regulated asbestos-containing material.

"Division" means the Division of Air Quality.

"Emergency Renovation Operation" means any asbestos project which was not planned and results from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, is necessary to protect equipment from damage, or is necessary to avoid imposing an unreasonable financial burden as determined by the Division. This term includes operations necessitated by non-routine failure of equipment and does not include situations caused by the lack of planning.

"Encapsulant" means a permanent coating applied to the surface of friable ACM for the purpose of preventing the release of asbestos fibers. The encapsulant creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

"Facility" means any institutional, commercial, public, industrial, or residential structure, installation, or building, including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential co-operative; any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to the NESHAP is not excluded, regardless of its current use or function. Public building and commercial building have the same meanings as they do in TSCA Title II.

"Friable Asbestos Containing Material (Friable ACM)" means any asbestos-containing material that, when

dry, can be crumbled, pulverized, or reduced to powder by hand pressure.

"Glovebag" means an impervious plastic bag-like enclosure, not more than a 60 x 60 inches, affixed around an asbestos-containing material, with glove-like appendages through which material and tools may be handled.

"HEPA Filtration" means the high efficiency particulate air filtration found in respirators and vacuum systems capable of filtering particles greater than 0.3 micron in diameter with 99.97% efficiency, designed for use in asbestos-contaminated environments.

"Inaccessible" means in a physically restricted or obstructed area or covered in such a way that detection or removal is prevented or severely hampered.

"Management Plan" means a document that meets the requirements of AHERA for management plans for asbestos in schools.

"Management Planner" means a person who prepares a management plan for a school building subject to AHERA.

"Model Accreditation Plan (MAP)" means 40 CFR Part 763, Subpart E, Appendix C, Asbestos Model Accreditation Plan.

"NESHAP" means the National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 61, Subpart M, the National Emission Standard for Asbestos.

"NESHAP Amount" means combined amounts in a project that total:

- (a) 260 linear feet (80 meters) of pipe covered with RACM;
- (b) 160 square feet (15 square meters) of RACM used to cover or coat any duct, boiler, tank, reactor, turbine, equipment, structure, structural member, or structural component; or
- (c) 35 cubic feet (one cubic meter) of RACM removed from structural members or components where the length and area could not be measured previously.

"NESHAP-Sized Asbestos Project" means any asbestos project that involves at least a NESHAP amount of ACM.

"Regulated Asbestos-Containing Material (RACM)" means friable ACM, Category I nonfriable ACM that has become friable, Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations.

"Renovation" means the alteration in any way of one or more structural components, excluding demolition.

"Small-Scale, Short-Duration (SSSD) Asbestos Project" means an asbestos project that removes or disturbs

less than 3 square feet or 3 linear feet of RACM in a facility or structure.

"Strip" means to take off ACM from any part of a structure or structural component.

"Structural Component" means any pipe, duct, boiler, tank, reactor, turbine, or furnace at or in a structure, or any structural member of the structure.

"Structural Member" means any load-supporting member of a structure, such as beams and load-supporting walls or any non-load-supporting member, such as ceilings and non-load-supporting walls.

"Structure" means, for the purposes of R307-801, any institutional, commercial, residential, or industrial building, equipment, building component, installation, or other construction.

"TSCA Accreditation" means successful completion of training as an inspector, management planner, project designer, contractor-supervisor, or worker, as specified in the TSCA Title II.

"TSCA Title II" means 15 U.S.C. 2601 et seq., Toxic Substances Control Act, Subchapter II - Asbestos Hazard Emergency Response, and 40 CFR Part 763, Subpart E - Asbestos-Containing Materials in Schools, including appendices, as in effect on July 1, 1999.

"Unrestrained Access" means without fences, closed doors, personnel, or any other method intended to restrict public entry.

"Waste Generator" means any owner or operator of an asbestos project covered by R307-801 whose act or process produces asbestos waste.

"Working Day" means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

R307-801-4. Adoption and Implementation of TSCA Title II.

(1) The provisions of TSCA Title II are adopted and incorporated herein by reference.

(2) Implementation of the provisions of 40 CFR Part 763, Subpart E, except for the Model Accreditation Plan, shall be limited to those provisions for which the EPA has waived its requirements in accordance with 40 CFR Subpart 763.98, Waiver; delegation to State, as published at 52 FR 41826, (October 30, 1987).

R307-801-5. Company Certifications.

(1) All persons must have an Asbestos Company Certification before contracting for hire to conduct asbestos inspections, create management plans, create project designs, monitor asbestos projects, or to remove or otherwise disturb more than the SSSD amount of asbestos.

(2) To obtain Utah Asbestos Company

Certification, all persons shall submit a completed application for certification on a form provided by the executive secretary.

(3) Unless revoked or suspended, a company certification shall remain in effect until the end of the calendar year in which it was issued.

R307-801-6. Individual Certification.

(1) To obtain certification as a worker, supervisor, inspector, project designer, or management planner, each person shall first:

- (a) Provide personal identifying information;
- (b) Pay the appropriate fee;
- (c) Fill out the appropriate form provided by the

executive secretary;

(d) Provide certificates of initial and current training that demonstrate accreditation in the corresponding discipline. Any of the following TSCA accreditation courses is acceptable unless the executive secretary has determined that the course does not meet the requirements of TSCA accreditation training required by R307-801: courses approved by the executive secretary, approved in a state that has a Contractor Accreditation Program that meets the TSCA Title II Appendix C Model Plan, or approved by EPA under TSCA Title II.

(2) Duration and Renewal of Certification.

(a) Unless revoked or suspended, a certification shall remain in effect until the expiration date of the current certificate of TSCA accreditation for the specific discipline.

(b) To renew certification, the individual shall first:

- (i) Submit a completed application for renewal on a form provided by the executive secretary; and
- (ii) Submit a current certificate of TSCA accreditation for initial or refresher training in the appropriate discipline.

R307-801-7. Denial and Cause for Suspension and Revocation of Company and Individual Certifications.

(1) An application for certification may be denied if the individual, applicant company, or any principle officer of the applicant company has a documented history of noncompliance with the requirements, procedures, or standards established by R307-801, R307-214, which incorporates 40 CFR Part 61, Subpart M, the National Emission Standard for Asbestos, AHERA, or with the requirements of any other entity regulating asbestos activities and training programs.

(2) The executive secretary may revoke or suspend any certification based upon documented violations of any requirement of R307-801, AHERA, or 40 CFR Part 61, Subpart M, including but not limited to:

- (a) Falsification of or knowing omission in any written submittal required by those regulations;
- (b) Permitting the duplication or use of a certificate or TSCA accreditation for the purpose of preparing a falsified written submittal; or
- (c) Repeated work practice violations.

R307-801-8. Approval of Training Courses.

(1) To obtain approval of a training course, the course provider shall first provide a written application to the executive secretary that includes:

- (a) Name, address, phone number, and institutional affiliation of person sponsoring the course;
 - (b) The course curriculum;
 - (c) A letter that clearly indicates how the course meets the Model Accreditation Plan and R307-801 requirements for length of training in hours or days, amount and type of hands-on training, examinations, including length, format, example of examination or questions, and passing scores, and topics covered in the course;
 - (d) A copy of all course materials, including student manuals, instructor notebooks, handouts, etc.;
 - (e) Names and qualifications of all course instructors, including all academic credentials and field experience in asbestos abatement; and
 - (f) Description and an example of numbered certificates issued to students who attend the course and pass the examination. The certificate shall include a unique certificate number, the name of the student and the course completed, the dates of the course and the examination, an expiration date one year from the date the student completed the course and examination, the name, address, and telephone number of the training provider that issued the certificate, and a statement that the person receiving the certificate has completed the requisite training for TSCA accreditation.
- (2) To maintain approval of a training course, the course provider shall:
- (a) Provide training that meets the requirements of R307-801 and the MAP;
 - (b) Provide the executive secretary with the names, social security numbers or government-issued picture identification card number, and certificate numbers of all persons successfully completing the course within 30 days of successful completion;
 - (c) Keep the records specified for training providers in the MAP for three years;
 - (d) Permit the executive secretary or authorized representative to attend, evaluate and monitor any training course without receiving advance notice from the executive secretary and without charge to the executive secretary; and
 - (e) Notify the executive secretary of any new course instructor 10 working days prior to the day the new

instructor presents or teaches any course for TSCA Accreditation purposes. The notification shall include:

- (i) Name and qualifications of each course instructors, including all academic credentials and field experience in asbestos abatement; and
- (ii) A list of the courses or specific topics that will be taught by the instructor.

(3) All course providers that provide an AHERA training course or refresher course in the state of Utah shall:

- (a) Notify the executive secretary of the location, date, and time of the course at least ten days before the first day of the course;
- (b) Update the notification as soon as possible, and no later than the original course date, if the course is rescheduled or cancelled before the course is held; and
- (c) Allow the executive secretary to conduct an audit of any course provided to determine whether the course provider meets the requirements of the MAP and of R307-801.

R307-801-9. Renovation and Demolition: Requirement to Inspect.

(1) Except as described in (2) below, the operator shall ensure that the structure or facility to be demolished or renovated is inspected for ACM by an inspector certified under the provisions of R307-801-6. An asbestos survey report shall be generated according to the provisions of R307-801-10. The operator shall make the asbestos survey report available on site to all persons who have access to the site for the duration of the renovation or demolition activities, and to the executive secretary upon request.

(2) If the structure has been ordered to be demolished because it is found by a local jurisdiction to be structurally unsound and in danger of imminent collapse, the operator may demolish the structure without having the structure or facility inspected for asbestos. If no asbestos inspection is conducted, the operator shall ensure that all resulting demolition debris is disposed of as asbestos waste, according to R307-801-15. If the demolition debris cannot be containerized, the operator shall obtain approval for an alternative procedure from the executive secretary.

R307-801-10. Renovation and Demolition: Asbestos Inspection Procedures.

Asbestos inspectors shall use the following procedures when conducting an asbestos inspection of facilities to be demolished or renovated.

- (1) Determine the scope of demolition or renovation activities.
- (2) Inspect the affected facility or part of the facility where the demolition or renovation operation will occur.

(3) Identify all accessible suspect ACM building materials in the affected facility or part of the facility where the demolition or renovation operation will occur.

(4) Follow a sampling method approved by the executive secretary, to demonstrate that suspect ACM does not contain asbestos.

(5) Assume that unsampled suspect ACM contains asbestos and is ACM; and

(6) Complete an asbestos survey report containing all of the following information in a format approved by the executive secretary:

(a) A brief description of the affected area;

(b) A list of all suspect materials identified in the affected area. For each suspect material provide the following information:

(i) The amount of material in linear feet, square feet, or cubic yards;

(ii) A clear description of the distribution of the material in the affected area;

(iii) A statement of whether the material was assumed to contain asbestos, sampled and shown to contain asbestos, or sampled and demonstrated to not contain asbestos; and

(iv) A determination of whether the material is RACM or may become RACM when subjected to the proposed renovation or demolition activities.

(c) A list of samples collected from suspect materials in the affected area. For each sample provide the following information:

(i) Which suspect material, in the above list, the sample represents;

(ii) A clear description of the original location of the sample;

(iii) The types of analyses performed on the sample;

(iv) The amounts of each type of asbestos in the sample as indicated by the analytical results.

(d) A list of potential locations of suspect materials that were not accessible to inspection that may be part of the affected area.

(7) Floor plans or architectural drawings and similar representations may be used to aid in conveying the location of suspect materials or samples, but if so, they must be appended to the asbestos survey report.

R307-801-11. Renovation and Demolition: Notification and Asbestos Removal Requirements.

(1) Demolitions.

(a) If the amount of RACM in the structure is less than the SSSD amount, the operator shall submit a notification of demolition at least 10 working days before the start of demolition, and remove the RACM before

commencing demolition.

(b) If the amount of RACM in the structure is greater than or equal to the SSSD amount but less than the NESHAP amount, the operator shall submit an asbestos notification at least 10 working days before the start of demolition and at least one working day before commencing removal, and shall remove the RACM according to the work practice provisions of R307-801 before demolition proceeds.

(c) If the amount of RACM in the structure is greater than or equal to the NESHAP amount, the operator shall submit an asbestos notification at least 10 working days before the asbestos removal begins. Demolition shall not proceed until after all RACM has been removed from the structure.

(d) If any structure is to be demolished by intentional burning, the operator, in addition to the notification specified in (a), (b) or (c), shall ensure that all ACM, including non friable ACM and RACM, is removed from the structure before burning.

(e) If the structure has been ordered to be demolished because it is found by a local jurisdiction to be structurally unsound and in danger of imminent collapse, the operator shall submit a notification of demolition as soon as possible, but no later than the next working day after demolition begins.

(2) Renovations.

(a) If the amount of RACM that would be disturbed or rendered inaccessible by renovation activities is less than the SSSD amount, the operator shall remove the RACM before commencing the renovation.

(b) If the amount of RACM that would be disturbed or rendered inaccessible by renovation activities is greater than the SSSD amount but smaller than NESHAP amount, the operator shall submit an asbestos notification at least one working day before asbestos removal begins, unless the removal was properly included in an annual asbestos notification submitted pursuant to (d) below, and shall remove RACM according to general work practices of R307-801 before performing renovation activities.

(c) If the amount of RACM that would be disturbed or rendered inaccessible by renovation activities is greater than or equal to the NESHAP amount, then the operator shall submit an asbestos notification as described below, and shall ensure that RACM that would be disturbed by renovation activities and non-friable ACM that may be rendered friable or regulated by renovation activities is removed according to the work practice and disposal requirements of R307-801. The operator shall not commence renovation activities until the asbestos removal process is completed.

(i) If the renovation is an emergency renovation operation, then the notification shall be submitted as soon as

possible before and no later than the next business day after asbestos removal begins.

(ii) If the renovation is not an emergency renovation operation, then the notification shall be submitted at least ten working days before asbestos removal begins.

(d) The operator shall submit an annual notification according to the requirements of 40 CFR 61.145(a)(4)(iii) no later than 10 working days before the first day of January of the year during which the work is to be performed in the following circumstances:

(i) The asbestos projects are unplanned operation and maintenance activities;

(ii) The asbestos projects are less than NESHAP-sized; and

(iii) The total amount of asbestos to be disturbed in a single facility during these asbestos projects is expected to exceed the NESHAP amount in a calendar year.

R307-801-12. Renovation and Demolition: Notification Procedures and Contents.

(1) All notifications required by R307-801 shall be submitted in writing on the appropriate form provided by the executive secretary and shall be postmarked or received by the Division by the date specified, or shall be submitted using the Division of Air Quality electronic notification system by the date specified. The type of notification and whether the notification is original or revised shall be indicated.

(2) If the notification is an original notification of demolition, an original asbestos notification for a NESHAP-[]-sized asbestos project, or an original annual notification, the written notice shall be sent with an original signature by U.S. Postal Service, commercial delivery service, or hand delivery, or with an electronic signature if submitted using the Division of Air Quality electronic notification system. If the U.S. Postal Service is used, the submission date is the postmark date. If other service or hand delivery is used, the submission date is the date that the document is received at the Division. If the Division of Air Quality electronic notification system is used, the submission date is the date that the notification is received by the Division.

(3) An original asbestos notification for a less than NESHAP-sized asbestos project or any revised notification may be submitted by any of the methods in (2), or by facsimile, by the date specified in R307-801-11. The sender shall ensure that the fax is legible.

(4) All original notifications shall contain the following information:

(a) The name, address, and telephone number of the owner of the structure, and of any contractor working on the project;

(b) Whether the operation is a demolition or a renovation project;

(c) A description of the structure that includes the size in square feet or square meters, the number of floors, the age, and the present and prior uses of the

structure;

(d) The procedures, including analytical methods, used to inspect for the presence of ACM;

(e) The location and address, including building number or name and floor or room number, street address, city, county, state, and zip code of the structure being demolished or renovated;

(f) A description of procedures for handling the discovery of unexpected ACM or of nonfriable ACM that has become friable or regulated;

(g) A description of planned demolition or renovation work, including the demolition and renovation techniques to be used and a description of the affected structural components.

(5) In addition to the information in (4) above, an original demolition notification shall contain the following information:

(a) An estimate of the amount of non-friable and non-regulated ACM that will not become regulated as a result of demolition activities and that will remain in the building during demolition;

(b) The starting and ending dates of demolition activities; and

(c) If the structure will be demolished under an order of a state or local government agency, the name, title, and authority of the government representative ordering the demolition, the date the order was issued, and the date the demolition was ordered to commence. A copy of the order shall be attached to the notification.

(6) In addition to the information in (4) and (5) above, an original asbestos notification or an annual notification shall contain the following information:

(a) An estimate of the approximate amount of ACM to be stripped, including which units of measure were used;

(b) The scheduled starting and completion dates of asbestos removal work in a renovation or demolition;

(c) The beginning and ending dates for preparation and asbestos removal, and of renovation activities if applicable;

(d) If an emergency renovation operation will be performed, the date and hour the emergency occurred, a description of the event and an explanation of how the event has caused unsafe conditions or would cause equipment damage or unreasonable financial burden;

(e) A description of work practices and engineering controls to be used to prevent emissions of asbestos at the demolition or renovation work site;

(f) The name and location of the waste disposal site where the asbestos waste will be deposited, including the name and telephone number of the waste disposal site contact;

(g) The name, address, contact person, and phone number of the waste transporters; and

(h) The name, contact person, and phone number of the person receiving the waste shipment record as required by 40 CFR 61.150(d)(1).

(7) A revised notification shall contain the following information:

- (a) The name, address, and telephone number of the owner of the structure, and any demolition or asbestos abatement contractor working on the project;
- (b) Whether the operation is a demolition or a renovation project;
- (c) The date that the original notification was submitted;
- (d) The applicable original start and stop dates for asbestos removal, renovation, or demolition;
- (e) Revised start and stop dates, if applicable, for asbestos removal or demolition activities;
- (f) Changes in amount of asbestos to be removed, if applicable; and
- (g) All other changes.
- (8) If a NESHAP-sized asbestos project that requires a notification under (4) above or a demolition project that requires a notification under (4) above will commence on a date other than the date submitted in the original written notification, the executive secretary shall be notified of the new starting date by the following deadlines.

(a) If the new starting date is later than the original starting date, notice by telephone shall be given as soon as possible before the original starting date and a revised notice shall be submitted in accordance with R307-801-12(7) as soon as possible before, but no later than, the original starting date.

(b) If the new starting date is earlier than the original starting date, submit a written notice in accordance with R307-801-12(7) at least ten working days before beginning the project.

(c) In no event shall an asbestos project covered by this subsection begin on a date other than the new starting date submitted in the revised written notice.

R307-801-13. Renovation and Demolition: Requirements for Certified Workers.

(1) A supervisor who has been certified under R307-801 shall be on site during asbestos project setup, asbestos removal, stripping, cleaning and dismantling of the project, and other handling of uncontainerized RACM.

(2) All persons handling greater than the SSSD amount of uncontainerized RACM shall be workers or supervisors certified under R307-801.

R307-801-14. Renovation and Demolition: Asbestos Work Practices.

(1) Persons performing any asbestos project shall follow the work practices in this subsection. Where the work practices in R307-801-14(1) and (2) are required, wrap and cut, open top catch bags, glove bags, and mini-enclosures may be used in combination with those work practices.

(a) Adequately wet RACM with amended water before exposing or disturbing it.

(b) Install barriers and post warning signs to prevent access to the work area. Warning signs shall conform to the specifications of 29 CFR 1926.1101(k)(7).

(c) Keep RACM adequately wet until it is containerized and disposed of in accordance with R307-801-15.

(d) Ensure that RACM that is stripped or removed is promptly containerized.

(e) Prevent visible particulate matter and uncontainerized asbestos-containing debris and waste originating in the asbestos work area from being released outside of the negative pressure enclosure or designated work area.

(f) Filter all waste water to 5 microns before discharging it to a sanitary sewer.

(g) Decontaminate the outside of all persons, equipment and waste bags before they leave the work area.

(h) Apply encapsulant to RACM that is exposed but not removed during stripping.

(i) Clean the work area, drop cloths, and other interior surfaces of the enclosure using HEPA vacuum and wet cleaning techniques until there is no visible residue before dismantling barriers.

(j) After cleaning and before dismantling enclosure barriers, mist the space and surfaces inside of the enclosure with a penetrating encapsulant designed for that purpose.

(k) Handle and dispose of friable ACM or RACM according to the disposal provisions of R307-801.

(2) All operators of NESHAP-sized asbestos projects shall install a negative pressure enclosure using the following work practices.

(a) All openings to the work area shall be covered with at least one layer of 6 mil or thicker polyethylene sheeting sealed with duct tape or an equivalent barrier to air flow.

(b) If RACM debris is present, the site shall be prepared by removing the debris using the work practice and disposal requirements of R307-801. If the total amount of loose visible RACM debris throughout the entire work area is less than the SSSD amount, then site preparation may begin after notification and before the end of the ten working [-]day waiting period.

(c) All persons shall enter and leave the negative pressure enclosure or work area only through the decontamination unit.

(d) All persons subject to R307-801 shall shower before entering the clean-room of the decontamination unit when exiting the enclosure.

(e) No materials may be removed from the enclosure or brought into the enclosure through any opening other than a waste load-out or a decontamination unit.

(f) The negative pressure enclosure of the work area shall be constructed with the following specifications:

(i) Apply at least two layers of 6 mil or thicker polyethylene sheeting or its equivalent to the floor extending at least one foot up every wall and seal in place with duct tape or its equivalent;

(ii) Apply at least 2 layers of 4 mil or thicker polyethylene sheeting or its equivalent to the walls without locating seams in wall or floor corners;

- (iii) Seal all seams with duct tape or its equivalent; and
- (iv) Maintain the integrity of all enclosure barriers.
- (v) Where a wall or floor will be removed as part of the asbestos project, polyethylene sheeting need not be applied to that component.
- (g) View ports shall be installed in the enclosure or barriers where feasible. View ports shall be:
 - (i) At least one foot tall and one foot wide;
 - (ii) Made of clear material that is impermeable to the passage of air, such as an acrylic sheet;
 - (iii) Positioned so as to maximize the view of the inside of the enclosure from a position outside the enclosure; and
 - (iv) Accessible to a person outside of the enclosure.
- (h) A decontamination unit shall be constructed according to the following specifications:
 - (i) The unit shall be attached to the enclosure or work area;
 - (ii) The decontamination unit shall consist of at least 3 chambers as specified by 29 CFR 1926.1101(j)(1);
 - (iii) The clean room, which is the chamber that opens to the outside, shall be no less than 3 feet wide by 3 feet long;
 - (iv) The dirty room, which is the chamber that opens to the negative pressure enclosure or the designated work area, shall be no less than 3 feet wide by 3 feet long;
 - (v) The dirty room shall be provided with an accessible waste bag at any time that asbestos work is being done.
- (i) A separate waste load-out following the specifications below may be attached to the enclosure for removal of decontaminated waste containers and decontaminated or wrapped tools from the enclosure.
 - (i) The waste load-out shall consist of at least one chamber constructed of 6 mil or thicker polyethylene walls and 6 mil or thicker polyethylene flaps or the equivalent on the outside and inside entrances;
 - (ii) The waste load-out chamber shall be at least 3 feet long, 3 feet high, and 3 feet wide; and
 - (iii) The waste load-out supplies shall be sufficient to decontaminate bags, and may include a water supply with filtered drain, clean rags and clean bags.
- (j) Negative air pressure and flow shall be established and maintained within the enclosure by:
 - (i) Maintaining four air changes per hour in the enclosure;
 - (ii) Routing the exhaust from HEPA filtered ventilation units to the outside of the structure whenever possible;
 - (iii) Maintaining a minimum of 0.02 column inches of water pressure differential relative to outside pressure; and
 - (iv) Maintaining a monitoring device to measure the negative pressure in the enclosure.
- (3) In lieu of two layers of polyethylene on the walls and the floors as required by R307-801-(2)(f)(i) and

(ii), the following work practices and controls may be used only under the circumstances described below:

(a) If an asbestos project is conducted in a crawl space or pipe chase and the available space is less than 6 feet high or is less than 3 feet wide, then the following may be used:

- (i) Drop cloths extending at least 6 feet around all RACM to be removed, or extended to a wall and attached with duct tape or equivalent; and
- (ii) Either glovebags, wrap and cut, or the open top catch bag method must be used. The open top catch bag method may be used only if the material to be removed is pre-formed RACM pipe insulation.

(b) Scattered ACM. If the RACM is scattered in small patches, such as isolated pipe fittings, the following procedures may be used.

(i) Glovebags, mini-enclosures as described in R307-801-14(5), or wrap and cut methods with drop cloths large enough to capture all RACM fragments that fall from the work area may be used.

(ii) If all asbestos disturbance is limited to the inside of negative pressure glovebags or mini-enclosure, then openings need not be sealed and negative pressure need not be maintained outside of the glovebags or mini-enclosure during the asbestos removal operation.

(iii) A remote decontamination unit may be used as described in R307-801-14(5)(d) only if an attached decontamination unit is not feasible.

(4) During outdoor asbestos projects, the work practices of R307-801-14[8] shall be followed, with the following modifications:

(a) Negative pressure need not be maintained if there is not an enclosure;

(b) Six mil polyethylene or equivalent drop cloth large enough to capture all RACM fragments that fall from the work area shall be used; and

(c) A remote decontamination unit as described in R307-801-14(5)(d) may be used.

(5) Special work practices.

(a) If the wrap and cut method is used:

(i) The component shall be cut at least 6 inches from any RACM on that component;

(ii) If asbestos will be removed from the component to accommodate cutting, the asbestos removal shall be done using a single glove bag for each cut, and no RACM shall be disturbed outside of a glove bag;

(iii) The wrapping shall be leak tight and shall consist of two layers of 6 mil polyethylene, each individually sealed with duct tape, and all RACM between the cuts shall be sealed inside wrap; and

(iv) The wrapping shall remain intact and leak-tight throughout the removal and disposal process.

(b) If the open top catch bag method is used:

(i) Asbestos waste bags that are leak tight and strong enough to hold contents securely shall be used;

(ii) The bag shall be placed underneath the stripping operation to minimize ACM falling onto the drop cloth;

(iii) All material stripped from the component

shall be placed in the bag;

(iv) One worker shall hold the bag and another worker shall strip the ACM into the bag; and

(v) A drop cloth large enough to capture all RACM originating in the work area shall be used.

(c) If glove bags are used, they shall be negative pressure, and the procedures required by 29 CFR 1926.1101(g)(5) shall be followed.

(d) A remote decontamination unit may be used under the conditions set forth in R307-801-14(3)(b) or (4), or when approved by the executive secretary. The remote decontamination unit and procedures shall include:

(i) Outerwear shall be HEPA vacuumed or removed, and additional clean protective outerwear shall be put on;

(ii) Either polyethylene sheeting shall be placed on the path to the decontamination unit and the path shall be blocked or taped off to prevent public access, or workers shall be conveyed to the remote decontamination unit in a vehicle that has been lined with two layers of 6 mil or thicker polyethylene sheeting or its equivalent; and

(iii) The polyethylene path or vehicle liner shall be removed at the end of the project, and disposed of as asbestos waste.

(e) Mini-enclosures, when used under approved conditions, shall conform to the requirements of 29 CFR 1926.1101(g)(5)(vi).

R307-801-15. Disposal and Handling of Asbestos Waste.

(1) Containerize asbestos waste while adequately wet.

(2) Asbestos waste containers shall be leak-tight and strong enough to hold contents securely.

(3) Containers shall be labeled with the waste generator's name, address, and phone number, and the contractor's name and address, before they are removed from the work area.

(4) Containerized RACM shall be disposed of at a landfill which complies with 40 CFR 61.150.

(5) The waste shipment record shall include a list of items and the amount of asbestos waste being shipped. The waste generator originates and signs this document.

R307-801-16. Records.

(1) Certified asbestos companies shall maintain records of all asbestos projects that they perform and shall make these records available to the executive secretary upon request. The records shall be retained for at least five years. Maintained records shall include the following:

(a) Names and state certification numbers of the asbestos workers and supervisors who performed the asbestos project;

(b) Location and description of the asbestos project and amount of Friable ACM removed;

(c) Starting and completion dates of the asbestos project;

(d) Summary of the procedures used to comply with applicable requirements including copies of all notifications; and

(e) Waste shipment records maintained in accordance with 40 CFR Part 61, Subpart M, NESHAP.

(f) Asbestos surveys associated with the asbestos project.

(2) All other persons subject to the inspection requirements of R307-801-9 shall maintain copies of asbestos survey reports for at least one year after renovation or demolition activities have ceased, and shall make these reports available to the executive secretary upon request.

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19-2-104(3)(r) through (t)

40 CFR Part 61, Subpart M

40 CFR Part 763, Subpart E